

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO INTRALATA TOLL)	
COMPETITION, AN APPROPRIATE)	ADMINISTRATIVE
COMPENSATION SCHEME FOR COMPLETION)	CASE NO. 323
OF INTRALATA CALLS BY INTEREXCHANGE)	
CARRIERS, AND WATS JURISDICTIONALITY)		

O R D E R

This matter arising upon motion of the Attorney General of the Commonwealth of Kentucky ("AG"), filed May 22, 1989, to compel South Central Bell Telephone Company ("SCB") to provide certain data requested by the AG, and for an extension of time to file testimony, SCB having responded to the motion, and it appearing to the Commission as follows:

On March 24, 1989, the AG served four data requests upon SCB. In its response, filed May 17, 1989, SCB refused to furnish the information requested in Item 2, and some of the information requested in Items 3(a), (b), and (d) on the grounds that the requests sought information not relevant to these proceedings. The AG then filed this motion to compel.

Item 2 requests any studies that SCB has concerning the effect of intraLATA competition upon local exchange carrier ("LEC") toll traffic and revenues in other jurisdictions. In its response to the data requests, SCB objects to furnishing such information contending that the issue to be resolved in this

docket is the effect intraLATA competition will have upon LECs in Kentucky and that such information from other states is not relevant. In response to the AG's motion to compel, SCB reiterates its objection but agrees to furnish two studies it had conducted showing the effect of intraLATA competition upon SCB's WATS revenue.

The data requested in Item 2 by the AG will provide information by which a comparison may be made between jurisdictions which allow intraLATA competition and those that prohibit such competition. Such information may be useful in measuring the impact of intraLATA competition upon LECs and is relevant to the issues in this docket. Therefore, to the extent that SCB has such information, whether from studies conducted by SCB or studies furnished to SCB from other sources, SCB should be required to produce that data. However, SCB cannot be compelled to produce data which is not in its possession, including data gathered by companies affiliated with SCB as subsidiaries of BellSouth.

In Items 3(a), (b), and (d), the AG requested minutes of use, revenue and tariff information for WATS, MTS, and MTS plus WATS from SCB and SCB's affiliated companies, all of which operate as subsidiaries of BellSouth. SCB objects to this request to the extent that it seeks information on operations outside this state. However, in its response to the motion to compel, SCB agreed to furnish the information for all its operating companies, including those outside this state, but not for any of its affiliated

companies. This information is relevant for the same reasons that the data requested in Item 2 is relevant. SCB should, therefore, be required to furnish the data requested in Items 3(a), (b), and (d) for its operating company and for any company which it is affiliated, to the extent that the information from the affiliated company is in its possession.

In order to analyze the data to be furnished by SCB in the response to its requests, the AG will need additional time to file testimony in this proceeding. Therefore, the date for filing such testimony should be continued for a period of 15 working days from the date the responses to the data requests are completed and filed.

This Commission being otherwise sufficiently advised,

IT IS ORDERED:

1. SCB shall, within 10 working days from the date of this Order, furnish the information requested by the AG in Item 2 and Items 3(a), (b), and (d) of the data request with respect to SCB's operations in other jurisdictions, and to the extent that it has such information in its possession from other companies, including those affiliated with SCB as subsidiaries of BellSouth.

2. To the extent that the AG seeks to compel data not in SCB's possession concerning the effect of intraLATA competition upon other LECs, including those affiliated with SCB the motion is denied.

Done at Frankfort, Kentucky this 25th day of July, 1989.

PUBLIC SERVICE COMMISSION


For The Commission

ATTEST:

Executive Director